

Notice of Allowability

Application No.

08/828,005

Examiner

Karin M. Reichle

Applicant(s)

LAVON ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-26-05.
2. ☒ The allowed claim(s) is/are 11, 12, 17, 20, 32, 33, 37-39, 43, 44 and 82-89.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 2-27-04, 3-26-04, 2-11-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Karin M. Reichle
 Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Hayden on June 23, 2005.

3. The application has been amended as follows:

In the Specification,

On page 6, in the paragraph added after line 10 by the 7-15-03 amendment (page 3, lines 3-10), on line 5: change "main structure" to --chassis, e.g. topsheet, backsheet, fasteners,--;

In that same amendment, on line 6: change "uses and" to --removals of removable core components or--;

On page 8, first full paragraph, last amended 2-5-04, line 1: after article, insert --60'--;

On page 12, before line 24, deleted the entire amendment of 7-15-03, i.e. both paragraphs;

In the amendment of 2-5-04 to the paragraph bridging pages 15-16, line 4: after "51", insert --, 51'--;

In the same amendment, lines 9 and 10: delete "50"(all);

On page 16, second full paragraph as amended 2-5-04, line 1: delete "50";

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In the 2-5-04 amendment to the paragraph bridging pages 16-17, line 5: after “embodiment”, insert --10’--;

On page 17, second full paragraph as amended 2-5-04, second to last line: after “enveloped”, insert --by--;

On page 24, after line 14: delete the entire paragraph added by the amendment of 11-23-98;

In the 2-5-04 amendment to the paragraph bridging pages 24-25, line 4: change “FIG.” to --FIGs.--;

On page 27, line 17: change “10” to --10’--.

In Claim 11(Patent Claim 1),

On line 7: after “components”, insert --;--;

On line 8: after “wherein”, insert --the absorbent core components comprise-- and delete ‘is’;

On line 10: delete “is”;

On the last line: before “backsheet”, insert --remainder of the--.

In Claim 33(Patent Claim 15),

On line 8: after “components”, insert --;--;

On line 9: after “wherein”, insert --the absorbent core components comprise-- and delete ‘is’;

On line 11: delete “is”;

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On line 21 and the last line: before "backsheet", insert --remainder of the--.

4. Claims 1-10, 13-16, 18-19, 21-31, 34-36, 40-42, and 45-81 were previously cancelled.

5. Claims 11-12, 17, 20, 32-33, 37-39, 43-44 and 82-29 are allowed.

6. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: All the drawing changes filed 2-9-04. Additionally, in Figure 19, 51 should be 51', 50 should be 50' and 10 should be 10'. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

7. The following is an examiner's statement of reasons for allowance: It is noted that the claims 11 and 33 include "means plus function" language. However, such language is not considered to invoke 35 USC 112, sixth paragraph, because such claims also recite sufficient structure to preclude the application of such paragraph. It is also noted that a Notice of Allowance has been mailed out in Application Serial No. 09/911,108 to LaVon et al, a CIP of the instant application. The claims in that application have been reviewed but no issue of double patenting is deemed to exist since the claims therein all include the recitation of a total absorption capacity in the crotch region not required by the claims of the instant claims, and claims 15-19 are drawn to embodiments not disclosed in the instant application, embodiments broader than the claims of the instant claims or embodiments of species nonelected in the election of 11-19-99 of the instant application, i.e. the instant claims are deemed both broader in scope in certain aspects and narrower in scope in certain aspects and are not considered obvious in light of the claims of the CIP alone or in any combination with the prior art. The prior art references, alone or in any combination, also do not teach the features on lines 8 et seq of claim 1

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in combination with the other features of lines 1-7 of that claim and the like features and feature combinations in claim 33. The closest art is considered LOPEZ, PCT '871. However, Lopez teaches the desire to have a visible wetness indicator. Therefore to employ access means as required by the claims of the instant application would destroy the teachings of Lopez since the indicator would no longer be visible.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

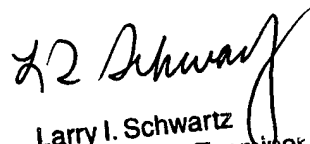
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
June 23, 2001



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700

Statement(s) Regarding Previous Citations of References

It is respectfully noted that the citation by the Examiner of a U.S. Patent to Morstad in the Notice of References Cited in the Office Action mailed on 15 January 2003 appeared to list the patent number "2,532,340". However, no such patent to Morstad exists. It is supposed that the intended reference was probably to U.S. Patent No. 2,832,346, which was issued in the name of Morstad on 29 April 1958. Assuming that this is, in fact, the intended reference, it is requested that the listing be rewritten in order to ensure that the correct citation will be listed on the face of any patent granted from the present Application.

It is also noted that, due to an inadvertent error, the applicant's name in the Chinese reference CN 2073744U was listed as "Shuanggen" in the IDS submitted on 12 January 2004. The actual family name of the applicant is YAN and Shuanggen is the applicant's given name. It is requested that the listing be corrected in order to ensure that the correct citation will be listed on the face of any patent granted from the present Application.

Respectfully submitted,

By Michael P. Hayden
 Michael P. Hayden
 (513) 626-5800
 Registration No. 48,433

Customer No. 27752
 Date: 24 Feb 2004

*Noted
 mul
 6-23-05
 Discussed during
 6-23-05 Interview*